

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IDENTITY SOFTWARE PTY LTD.,	§	
<i>Plaintiff,</i>	§	CIVIL ACTION NO. 1:17-cv-01188
	§	
v.	§	<b>JURY TRIAL DEMANDED</b>
	§	
IGNITE FIRSTRRAIN SOLUTIONS, INC.,	§	
<i>Defendant.</i>	§	

**ORIGINAL COMPLAINT AGAINST IGNITE FIRSTRRAIN SOLUTIONS, INC.**

Plaintiff Identity Software Pty. Ltd., (“Plaintiff” or “Identity Software”), by and through its attorneys, file its Original Complaint against Ignite FirstRain Solutions, Inc. (“Defendant” or “FirstRain”), and demanding trial by jury, hereby alleges as follows:

**I. NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendant’s unauthorized use and performance in the United States of methods, processes, and/or services that infringe Identity Software’s United States patent, as described herein.

2. Ignite FirstRain Solutions, Inc. produces the platform FirstRain Business Analytics. Using this platform, FirstRain performs the method disclosed in the ’495 patent and thus infringes the patented method.

3. Identity Software seeks past and future damages and prejudgment and post judgment interest for FirstRains’s past infringement of the Patents-in-Suit, as defined below.

## **II. PARTIES**

4. Plaintiff Identity Software is a proprietary limited company organized and existing under the laws of the Commonwealth of Australia. Identity Software's principal place of business is Level 1, National Innovation Center, Australian Technology Park, Eveleigh, Sydney, NSW 2015, Australia.

5. On information and belief, Defendant Ignite FirstRain Solutions, Inc. is a corporation organized under the laws of the State of Delaware, having a principal place of business at 401 Congress Avenue, Suite 2650, Austin, Texas 78701. FirstRain's registered agent for service of process is Capitol Services, Inc., 1675 S State Street, Suite B, Dover, Delaware 19901.

## **III. JURISDICTION AND VENUE**

6. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 283, 284 and 285.

7. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

8. On information and belief, venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). On information and belief, Defendant is deemed to reside in this Judicial District, has an established place of business in this Judicial District, has committed acts of infringement in this Judicial District, has purposely transacted business involving its exemplary accused products in this Judicial District, and/or has regular and established places of business in this Judicial District.

9. On information and belief, Defendant FirstRain is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the

infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

#### **IV. FACTUAL ALLEGATIONS**

##### **PATENT-IN-SUIT**

10. Identity Software is the owner of all right, title and interest in and to U.S. Patent No. 6,272,495 (the “495 Patent”), entitled “Method and Apparatus for Processing Free-Format Data,” issued on August 7, 2001.

11. The foregoing patent is referred to herein as the “Patent-in-Suit.” Identity Software is the assignee of the Patent-in-Suit, and has all rights to sue for infringement and collect past and future damages for the infringement thereof.

12. The asserted method claims of the Patent-in-Suit are directed to methods of processing free-format data into text objects, examining the content of the data, and determining attributes of the gathered data. Furthermore, the method disclosed includes a semantic and syntactic analysis of the data. This relationship-based analysis allows for more in-depth analytics of the data and allows for user queries to be executed wherein results are provided based on the semantic or syntactic relationships of the provided data. Overall, the disclosed method permits the gathering and analysis of data, independent of formatting, and allows for more intuitive search results based on language structure and significance.

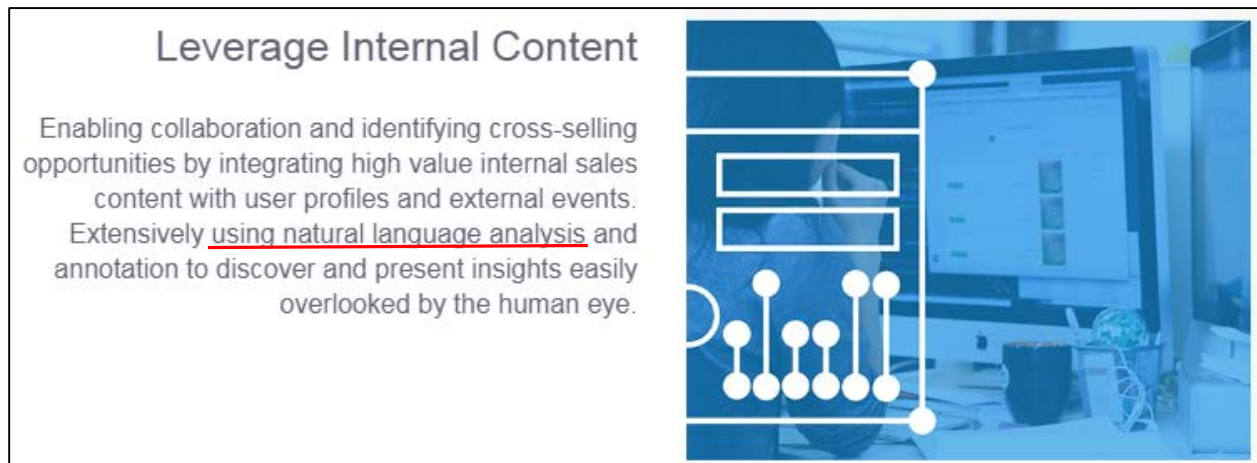
#### **V. DEFENDANT’S ACTIONS**

13. Defendant FirstRain provides software and services directed to data gathering, natural language based analysis of data, and the detection of semantic and syntactic relationships in data.

14. For example, FirstRain provides the FirstRain Business Analytics Platform. This method executes data gathering, for both structured and unstructured data, data analytics, and provides for semantic and syntactic based searching through gathered data.

15. FirstRain's Business Analytics Platform further provides the ability to produce semantic and syntactic information and relationships from the data gathered. These relationships aid in the production of results in response to a data query from the user.

16. Upon gathering the relevant data, FirstRain's Business Analytics Platform further applies data analytics and natural language analysis to determine weight and value of the data. This method further recognizes semantic and syntactic relationships among the data, regardless of format, and assists the user in creating query responses. The Business Analytics Platform uses natural language analysis on varying formats of data to identify relationships in the data and facilitate queries through the gathered data, as exemplified below.



Source: <http://firstrain.com/>



## SOURCING

FirstRain's discovery engines are continually identifying, profiling and prioritizing sources, based on their contribution of business relevant content. Furthermore, FirstRain's pipeline distinguishes the portions of sources that contain potential business-relevant content, as well as specific articles and results that deliver value-added information, from those which are simply syndicated with minimal new information.

### Broad universe of global news, business, analysis, company and industry sources

FirstRain not only includes widely available news, but also local and regional sources, blogs, government and NGO sources, and many other specialty and in-depth industry sources. FirstRain's information sourcing is broadly globally focused, and delivers region and local-level information available in English from over 160 countries in every region across the world.

### Twitter in addition to global web

The Twitter stream is orders-of-magnitude higher in volume, frequency and signal-to-noise ratio than the global web. However, it is a critical source of potential business-relevant insights. FirstRain accesses the entire Twitter firehose to uncover, categorize and deliver only high-quality, business-relevant intelligence.

### Internal/Enterprise-specific sources and formats

The data across your enterprise is often disjointed, staying in silo's in each team, increasing in volume exponentially, every day. The departments, teams and individuals who create this data, often do not know what else is happening across the enterprise as they are executing on their goals and business objectives in isolation. Your enterprise needs a way to access intelligence developed by the people they work with, the prospects and customers they engage, and outside the company. FirstRain can filter through, tag and categorize internal meeting notes and other company-specific sources (e.g. analysts reports, self published competitive analysis and market intelligence, and indexed web pages) alongside the web and social content to deliver a unified information experience to your teams.

**Source:** <http://firstrain.com/technology/>

## UNDERSTANDING THE BUSINESS WEB

FirstRain technology platform captures the vast sea of unstructured data available across the global and social web and applies layered algorithms to extract meaning, derive business developments and implicit relationships, and deliver an in-depth timely understanding of events unfolding in companies and markets. The ever-growing business web contains tremendous detail and variability of data available on nearly every industry and market – all scattered, fragmented, inconsistent and mixed with huge amounts of noise.

Seeing and understanding the business content on the web requires processing millions of unstructured pages of content from the web daily topped with the exponentially bigger candidate content set from the Twitter firehose. FirstRain captures it and maps it in real time against meaning, relationship structure and relevancy models that are vastly different across each business sector and industry.

**Source:** <http://firstrain.com/technology/>



## ANALYTICS

The FirstRain content pipeline and categorization engine form the foundation for the sophisticated information experience. They convert the unstructured content that is constantly flowing through the open web and Twitter into mapped structures with meaning, relevancy, weighting and relationships. FirstRain is then able to tap this mapped dataset to generate high-impact analytics and insights that reveal significant developments, emerging trends, explicit and implicit influences, and relationships across companies and markets.

FirstRain uses many analytics techniques to close the last-mile gap towards a high-impact information experience for each person. This includes grouping and clustering, identification of trends and relationships, identification of unusual or emerging patterns, extractions of facts and heat maps, etc. These analytics discern individual care-about and are critical for making high-volume, broadly sourced content more meaningful, valuable and actionable.

**Source:** <http://firstrain.com/technology/>

17. On information of belief, Defendant FirstRain also implements contractual protections in the form of license and use restrictions with its customers to preclude the unauthorized reproduction, distribution and modification of its software. Moreover, on information and belief, Defendant FirstRain implements technical precautions to attempt to thwart customers who would circumvent the intended operation of FirstRain's products.

## VI. COUNT ONE

### **INFRINGEMENT OF U.S. PATENT NO. 6,272,495**

18. Identity Software incorporates by reference its allegations in Paragraphs 1-17 as if fully restated in this paragraph.

19. Identity Software is the assignee and owner of all right, title and interest to the '495 Patent. Identity Software has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

20. On information and belief, Defendant FirstRain, without authorization or license from Identity Software, has been and is presently directly infringing certain method claims of the '495 patent including at least claim 1 and claims dependent therefrom, as infringement is defined by 35 U.S.C. § 271(a), including through practicing one or more method claims of the '495

Patent. Defendant FirstRain is thus liable for direct infringement of the '495 Patent pursuant to 35 U.S.C. § 271(a). An exemplary infringing product includes the FirstRain Business Data Analytics Platform, which gathers both structured and unstructured data, performs data relationship analytics, transforms data into a searchable format, and allows the user to perform queries on the gathered data.

21. The FirstRain Business Data Analytics Platform executes a “software as a service” collection and identification of data program. The platform is hosted by Ignite FirstRain’s service and the infringing method is applied through FirstRain’s software. The platform utilizes semantic and syntactic “natural language analysis” to gather unstructured data, provide semantic and syntactic information about the data, and generate the ability to respond to queries in reference to the data, in a manner which infringes upon the '495 Patent.

22. As a result of FirstRain’s infringement of the '495 Patent, Identity Software has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

## **VII. JURY DEMAND**

23. Plaintiff Identity Software demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to FED. R. CIV. P. 38.

## **VIII. PRAYER FOR RELIEF**

WHEREFORE, Identity Software prays for judgment and seeks relief against Defendant as follows:

- A. That the Court determine that one or more claims of the Patents-in-Suit is infringed by Defendant FirstRain, either literally or under the doctrine of equivalents;

- B. That the Court award damages adequate to compensate Identity Software for the patent infringement that has occurred, together with prejudgment and post-judgment interest and costs, and an ongoing royalty for continued infringement;
- C. That the Court permanently enjoin Defendant pursuant to 35 U.S.C. § 283; and
- D. That the Court award such other relief to Identity Software as the Court deems just and proper.

DATED: December 20, 2018

Respectfully submitted,

/s/ Andrew G. DiNovo

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